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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 TIERRACAST, INC., a California  
12 Corporation,

13 Plaintiff,

14 v.

15 EASTERN FINDINGS  
16 CORPORATION, and Does 1 through  
10,

17 Defendants.

CASE NO. C 06 4930 RMW(RS)

STIPULATED REQUEST TO  
EXTEND CASE MANAGEMENT  
DEADLINES AND TIME TO  
ANSWER COMPLAINT;  
~~PROPOSED~~ ORDER

1 WHEREAS, Plaintiff TierraCast, Inc., and Defendant Eastern Findings  
2 Corporation entered into a stipulation to extend the original time to answer the  
3 Complaint to October 16, 2006;

4 WHEREAS, Plaintiff TierraCast, Inc., and Defendant Eastern Findings  
5 Corporation entered into a second stipulation to extend the original time to answer  
6 the Complaint to October 30, 2006;

7 WHEREAS, Plaintiff TierraCast, Inc., and Defendant Eastern Findings  
8 Corporation entered into a third stipulation to extend the original time to answer the  
9 Complaint to November 29, 2006;

10 WHEREAS, the parties through their respective counsel are engaged in good  
11 faith discussions to try to amicably resolve this matter and believe settlement in  
12 principle has been achieved;

13 WHEREAS, in correspondence with counsel for Defendant, counsel for  
14 Plaintiff has agreed to an additional thirty (30) day extension of time for Eastern  
15 Findings Corporation to respond to the Complaint;

16 WHEREAS, in a telephone conversation between counsel for Defendant and  
17 counsel for Plaintiff, the parties stipulated to extend all case management dates by  
18 an additional thirty (30) days;

19 THEREFORE, IT IS HEREBY STIPULATED by the parties, by and through  
20 their respective counsel of record that Eastern Findings Corporation shall have up to  
21 and including December 29, 2006, to answer, move, or otherwise respond to the  
22 Complaint.

23 IT IS FURTHER STIPULATED that all case management deadlines are  
24 extended by an additional thirty (30) days;

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1 IT IS FURTHER STIPULATED that, in entering into this stipulation, neither  
2 party is waiving any other rights and/or remedies and/or objections that it may have  
3 under the law, all of which are expressly reserved.  
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5 DATED: November 27, 2006

Respectfully submitted,

6 FULWIDER PATTON LLP  
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8

9 By: /s/ Jennifer Webber

10 James W. Paul

11 Leonard D. Messinger

12 Jennifer L. Webber

13 Attorneys for TIERRACAST, INC.  
14

15 DATED: November 27, 2006

Respectfully submitted,

16 OBLON, SPIVAK, MCCLELLAND, MAIER  
17 & NEUSTADT, P.C.  
18

19 By: /s/ Jonathan Hudis

20 Jonathan Hudis

21 Attorneys for

22 EASTERN FINDINGS CORPORATION  
23  
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**~~PROPOSED~~ ORDER**

The dates for the initial Case Management Conference, the parties selection of ADR method, and deadlines for filing the discovery plan, initial disclosures and case management statement are extended as follows:

December 27, 2006 - ADR Certification with Stipulation or Notice for Need of ADR Phone Conference (Local Rule 1608(b)(e)) filed with Court.

December 27, 2006 - Last day for parties to confer pursuant to F.R.C.P. Rule 26(f) meeting.

December 29, 2006 – Defendant to Answer or otherwise respond to Complaint.

January 8, 2007 - Last day to file discovery plan and Initial Disclosures, file and serve Case Management Statement.

January 18, 2007 - Date of Initial Case Management Conference.  
26,

**IT IS SO ORDERED.**

DATED this 7<sup>th</sup> day of December, 2006.

/s/ Ronald M. Whyte

The Hon. Ronald M. Whyte

United States District Judge